

Serial No. 10/057,919
Docket No. FJ-2001-039-US
MAS.011

11

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REMARKS

An Excess Claim Fee Payment letter is submitted herewith for 4 excess total claims and 4 excess independent claims.

Claims 1-4 and 6-26 are all the claims presently pending in the application. Claim 5 has been canceled and claims 1, 6, 12, 17 and 18 have been amended. Claims 22-26 have been added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1, 2, 4, 5, 7 and 8 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Bernstein et al. (U. S. Patent No. 6,970,189). Claims 3, 6 and 19 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bernstein in view of Ito et al. (U. S. Patent No. 6,967,675).

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bernstein in view of Brusewitz et al. (U. S. Patent No. 6,384,862). Claim 10, 11 and 21 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bernstein in view of Yoshida et al. (U. S. Patent No. 6,307,591).

Claims 12, 14-18 and 20 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bernstein in view of Mattes (U. S. Patent No. 6,038,295). Claim 13 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bernstein in view of Mattes and Ito.

These rejections are respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

An exemplary aspect of the claimed invention (e.g., as recited in **claim 1**) is directed a

Serial No. 10/057,919
Docket No. FJ-2001-039-US
MAS.011

12

portable device which includes an image-capturing device which captures an image, a recording device which records the captured image, a service information input device which inputs, from a communication device, service information about an image service provided by the server, and an information processing device which converts the captured image to an image based on the service information, the image based on the service information being recorded in a recording medium and transmitted to the server via the communication device. The service information includes information transmitted from the server to the communication device based on a user input to the communication device.

Conventionally, uploading an image from a camera to a service server (e.g., for printing or distribution of the image) via a mobile phone, takes a long time and since the communication speed between the camera and the phone is typically different from the transferring speed between the phone and the service server, management of communication is complicated (Application at page 2, line 20-page 3, line 7).

In an exemplary aspect of the claimed invention, on the other hand, a portable device includes an information processing device which converts the captured image to an image based on the service information, the image based on the service information being recorded in a recording medium and transmitted to the server via the communication device (Application [0039]). This may help to allow the portable device to readily record an image which is automatically changed in size or compressibility according to obtained service information, at high speed, and helps to allow the mobile phone to readily transmit an image meeting a request of the server at high speed (Application at page 17, lines 4-30).

II. THE ALLEGED PRIOR ART REFERENCES

A. Bernstein

The Examiner alleges that Bernstein teaches the claimed invention of claims 1, 2, 4, 5, 7 and 8. Applicant submits however, that there are features of the claimed invention that are not taught or suggested by Bernstein.

Bernstein discloses a system for automatically configuring a hand-held camera. The

Serial No. 10/057,919
Docket No. FJ-2001-039-US
MAS.011

13

system includes a camera 22, and a photo op transceiver 20 which pushes N camera setting parameters to automatically configure the camera 22 for capturing a photo of a subject 34 (Bernstein at col. 5, lines 42-52).

However, Bernstein does not teach or suggest a portable device (e.g., a camera) including *"an information processing device which converts said captured image to an image based on the service information, said image based on the service information being recorded in a recording medium and transmitted to said server via said communication device"*, as recited, for example, in claim 1, and similarly recited in claims 12, 17 and 18 (Application at [0039]). As noted above, this may help to allow the portable device to readily record an image which is automatically changed in size or compressibility according to obtained service information, at high speed, and helps to allow the mobile phone to readily transmit an image meeting a request of the server at high speed (Application at page 17, lines 4-30).

Clearly, this feature is not taught or suggested by Bernstein.

Indeed, Applicant would point out that an important aspect of the claimed invention is that an image based on service information may be converted by information processing after the recording (e.g., after recording the captured image). This is completely different from Bernstein which sets recording parameter before the recording and the claimed invention.

In fact, the present Application describes an exemplary aspect of the claimed invention by stating that,

"Additionally, the information processing device 180 of the electronic camera 10 converts a captured image or an image recorded in an image recording device such as the recording medium 177 according to a recording format of an image read from the recording medium 177. an aspect ratio of an image. the numbers of pixels in vertical and horizontal directions of an image, or compressibility when an image is compressed and recorded, service information on image service such as a file size of an image upon recording, or the service information inputted via the transmit/receive device 157. And the information processing device 180 can instruct the peripheral circuits to record the converted image in the recording

Serial No. 10/057,919
Docket No. FJ-2001-039-US
MAS.011

14

medium 177. The peripheral circuits perform instructed operations according to the instruction of the information processing device 180. Additionally, an image is read from the image recording device by an image reading device such as the recording medium interface 179 or the information processing device 180"
(Application at [0039]).

Clearly, Bernstein is unrelated to the claimed invention. Indeed, as noted above, Bernstein simply discloses a system which includes a camera 22, and a photo op transceiver 20 which pushes N camera setting parameters to automatically configure the camera 22 for capturing a photo of a subject 34 (Bernstein at col. 5, lines 42-52). Nowhere does Bernstein teach or suggest a portable device (e.g., a camera) which includes an information processing device which converts the captured image to an image based on the service information, the image based on the service information being recorded in a recording medium and transmitted to the server via the communication device.

Therefore, Applicant submits that Bernstein does not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

B. Ito, Brusewitz, Yoshida and Mattes

The Examiner alleges that Bernstein would have been combined with Ito to form the invention of claims 3, 6 and 19, with Brusewitz to form the invention of claim 9, with Yoshida to form the invention of claims 10, 11 and 21, with Mattes to form the invention of claims 12, 14-18 and 20, and with Mattes and Ito to form the invention of claim 13. Applicant submits however, that these alleged references would not have been combined and even if combined, the combination would not teach or suggest each and every feature of the claimed invention.

Indeed, Applicant submits that these references are unrelated, and no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

Serial No. 10/057,919
Docket No. FJ-2001-039-US
MAS.011

15

In fact, Applicant submits that the references provide no motivation or suggestion to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Moreover, neither Bernstein, nor Ito, nor Brusewitz, nor Yoshida, nor Mattes, nor any alleged combination thereof teaches or suggests a portable device (e.g., a camera) including *"an information processing device which converts said captured image to an image based on the service information, said image based on the service information being recorded in a recording medium and transmitted to said server via said communication device"*, as recited, for example, in claim 1, and similarly recited in claims 12, 17 and 18 (Application at [0039]). As noted above, this may help to allow the portable device to readily record an image which is automatically changed in size or compressibility according to obtained service information, at high speed, and helps to allow the mobile phone to readily transmit an image meeting a request of the server at high speed (Application at page 17, lines 4-30).

Clearly, this feature is not taught or suggested by Ito. Indeed, the Examiner attempts to rely on col. 7, lines 52-61 and Figure 3 in Ito to support his position.

However, Ito simply teaches a camera that may be used to transmit an image file recorded on a memory card to be transmitted to a server via a communication circuit (Ito at Abstract; Figure 1; col. 6, lines 1-23). Ito teaches that a URL of the server is transmitted to an Internet service provider allowing the camera to access the server (Ito at col. 7, lines 60-61).

That is, nowhere does Ito teach or suggest a portable device (e.g., a camera) which includes an information processing device which converts the captured image to an image based on the service information, the image based on the service information being recorded in a recording medium and transmitted to the server via the communication device.

Therefore, Ito clearly does not make up for the deficiencies of the other cited references.

Likewise, this feature is not taught or suggested by Brusewitz. Indeed, the Examiner attempts to rely on col. 6, lines 17-41 in Brusewitz to support his position. However, Brusewitz

Serial No. 10/057,919
Docket No. FJ-2001-039-US
MAS.011

16

simply discloses an imaging system which includes a camera 44, and a receiver device 58 having a decoder 62 and image storage 64 (Brusewitz at Figure 1; col. 4, lines 15-67). Nowhere does Brusewitz teach or suggest a portable device (e.g., a camera) which includes an information processing device which converts the captured image to an image based on the service information, the image based on the service information being recorded in a recording medium and transmitted to the server via the communication device.

Therefore, Brusewitz clearly does not make up for the deficiencies of the other cited references.

Likewise, this feature is not taught or suggested by Yoshida. Indeed, the Examiner attempts to rely on col. 7, lines 1-6 in Yoshida to support his position. However, Yoshida simply teaches a camera unit 3 that stores an object image in RAM 13, and storing an aspect ratio recognition signal for use in recognizing the aspect ratio as a code number together with the image signal (Yoshida at col. 7, lines 7-12).

Nowhere does Yoshida teach or suggest a server, let alone a portable device (e.g., a camera) which includes an information processing device which converts the captured image to an image based on the service information, the image based on the service information being recorded in a recording medium and transmitted to the server via the communication device.

Therefore, Yoshida clearly does not make up for the deficiencies of the other cited references.

Likewise, this feature is not taught or suggested by Mattes. Indeed, the Examiner attempts to rely on col. 8, lines 36-45 in Mattes to support his position. However, Mattes is directed to a method of allegedly archiving digital images simply, fast and in such a way that the information therefor may be easily tracked. Mattes has nothing to do with a portable device which records, in a recording medium, an image to be transmitted to a server via a communication device. Thus, nowhere does Mattes teach or suggest a portable device (e.g., a camera) which includes an information processing device which converts the captured image to an image based on the service information, the image based on the service information being recorded in a recording medium and transmitted to the server via the communication device.

Serial No. 10/057,919
Docket No. FJ-2001-039-US
MAS.011

17

Therefore, Mattes clearly does not make up for the deficiencies of the other cited references.

Therefore, Applicant submits that these alleged references would not have been combined and even if combined, the combination would not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

III. NEW CLAIMS

Applicant notes that new claims 22-26 have been added.

In particular new claims 23-26 recite "*wherein said portable device captures said image in an image-capturing mode suitable for said image service provided by said server*". That is, an exemplary aspect of the claimed invention (e.g., the invention of claims 23-26), may include a feature of setting a recording mode based on a service which the server offers, which is completely different from Bernstein which sets a recording parameter based on the recording conditions and the claimed invention (e.g., see Application at [0071]).

IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-4 and 6-26, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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CENTRAL FAX CENTER

MAR 19 2008


Serial No. 10/057,919
Docket No. FJ-2001-039-US
MAS.011

18

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 3/19/08



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing was filed by facsimile with the United States Patent and Trademark Office, Examiner Benjamin O. Dulaney, Group Art Unit # 2625 at fax number (571) 273-8300 this 19th day of March, 2008.



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